

1 AN ACT in relation to vehicles.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-103, 4-103.2, and 4-107 as follows:

6 (625 ILCS 5/4-103) (from Ch. 95 1/2, par. 4-103)

7 Sec. 4-103. Offenses relating to motor vehicles and other
8 vehicles - Felonies.

9 (a) Except as provided in subsection (a-1), it is a
10 violation of this Chapter for:

11 (1) A person not entitled to the possession of a
12 vehicle or essential part of a vehicle to receive,
13 possess, conceal, sell, dispose, or transfer it, knowing
14 it to have been stolen or converted; additionally the
15 General Assembly finds that the acquisition and
16 disposition of vehicles and their essential parts are
17 strictly controlled by law and that such acquisitions and
18 dispositions are reflected by documents of title, uniform
19 invoices, rental contracts, leasing agreements and bills
20 of sale. It may be inferred, therefore that a person
21 exercising exclusive unexplained possession over a stolen
22 or converted vehicle or an essential part of a stolen or
23 converted vehicle has knowledge that such vehicle or
24 essential part is stolen or converted, regardless of
25 whether the date on which such vehicle or essential part
26 was stolen is recent or remote;

27 (2) A person to knowingly remove, alter, deface,
28 destroy, falsify, or forge a manufacturer's
29 identification number of a vehicle or an engine number of
30 a motor vehicle or any essential part thereof having an
31 identification number;

1 (3) A person to knowingly conceal or misrepresent
2 the identity of a vehicle or any essential part thereof;

3 (4) A person to buy, receive, possess, sell or
4 dispose of a vehicle, or any essential part thereof, with
5 knowledge that the identification number of the vehicle
6 or any essential part thereof having an identification
7 number has been removed or falsified;

8 (5) A person to knowingly possess, buy, sell,
9 exchange, give away, or offer to buy, sell, exchange or
10 give away, any manufacturer's identification number
11 plate, mylar sticker, federal certificate label, State
12 police reassignment plate, Secretary of State assigned
13 plate, rosette rivet, or facsimile of such which has not
14 yet been attached to or has been removed from the
15 original or assigned vehicle. It is an affirmative
16 defense to subsection (a) of this Section that the person
17 possessing, buying, selling or exchanging a plate mylar
18 sticker or label described in this paragraph is a police
19 officer doing so as part of his official duties, or is a
20 manufacturer's authorized representative who is replacing
21 any manufacturer's identification number plate, mylar
22 sticker or Federal certificate label originally placed on
23 the vehicle by the manufacturer of the vehicle or any
24 essential part thereof;

25 (6) A person to knowingly make a false report of
26 the theft or conversion of a vehicle to any police
27 officer of this State or any employee of a law
28 enforcement agency of this State designated by the law
29 enforcement agency to take, receive, process, or record
30 reports of vehicle theft or conversion.

31 (a-1) A person engaged in the repair or servicing of
32 vehicles does not violate this Chapter by knowingly
33 possessing a manufacturer's identification number plate for
34 the purpose of reaffixing it on the same damaged vehicle from

1 which it was originally taken, if the person reaffixes or
 2 intends to reaffix the original manufacturer's identification
 3 number plate in place of the identification number plate
 4 affixed on a new dashboard that has been or will be installed
 5 in the vehicle. The person must notify the Secretary of State
 6 each time the original manufacturer's identification number
 7 plate is reaffixed on a vehicle. The person must keep a
 8 record indicating that the identification number plate
 9 affixed on the new dashboard has been removed and has been
 10 replaced by the manufacturer's identification number plate
 11 originally affixed on the vehicle. The person also must keep
 12 a record regarding the status and location of the
 13 identification number plate removed from the replacement
 14 dashboard. The Secretary shall adopt rules for implementing
 15 this subsection (a-1).

16 (b) Sentence. A person convicted of a violation of this
 17 Section shall be guilty of a Class 2 felony.

18 (c) The offenses set forth in subsection (a) of this
 19 Section shall not include the offense set forth in Section
 20 4-103.2 of this Code.

21 (Source: P.A. 90-89, eff. 1-1-98; 91-450, eff. 1-1-00.)

22 (625 ILCS 5/4-103.2) (from Ch. 95 1/2, par. 4-103.2)
 23 Sec. 4-103.2. Aggravated offenses relating to motor
 24 vehicles and other vehicles-Felonies.

25 (a) Except as provided in subsection (a-1), it is a
 26 violation of this Chapter for:

27 (1) a person not entitled to the possession of 3 or
 28 more vehicles, 3 or more essential parts of different
 29 vehicles, or a combination thereof, to receive, possess,
 30 conceal, sell, dispose of or transfer, those vehicles or
 31 parts of vehicles at the same time or within a one year
 32 period knowing that these vehicles or parts of vehicles
 33 are stolen or converted;

1 (2) a person to buy, receive, possess, sell or
2 dispose of 3 or more vehicles, 3 or more essential parts
3 of different vehicles, or a combination thereof, at the
4 same time or within a one year period, knowing that the
5 identification numbers of the vehicles or the essential
6 parts with an identification number have been removed or
7 falsified;

8 (3) a person not entitled to the possession of a
9 vehicle having a value of \$25,000 or greater to receive,
10 possess, conceal, sell, dispose or transfer the vehicle,
11 knowing that the vehicle has been stolen or converted;

12 (4) a person to knowingly possess, buy, sell,
13 exchange or give away, at the same time or within a one
14 year period, 3 or more manufacturer's identification
15 number plates, mylar stickers, federal certificate
16 labels, State Police reassignment plates, Secretary of
17 State assigned plates or a facsimile of those items, or a
18 combination thereof, which have not yet been attached to
19 or have been removed from an original or assigned vehicle
20 or essential part of a vehicle. It is an affirmative
21 defense that the person possessing, buying, selling or
22 exchanging a plate, mylar sticker or label is a police
23 officer doing so as part of his official duties, or is a
24 manufacturer's authorized representative who is replacing
25 any manufacturer's identification number plate, mylar
26 sticker or federal certificate label originally placed on
27 a vehicle by the manufacturer of a vehicle or any
28 essential part of a vehicle;

29 (5) a person not entitled to the possession of any
30 second division vehicle, semitrailer, farm tractor, tow
31 truck, rescue squad vehicle, medical transport vehicle,
32 fire engine, special mobile equipment, dump truck, truck
33 mounted transit mixer, crane or the engine, transmission,
34 cab, cab clip or vehicle cowl of any of the above

1 vehicles, to receive, possess, conceal, sell, dispose of
2 or transfer the vehicle or vehicle part described in this
3 paragraph knowing it is stolen or converted;

4 (6) a person not entitled to the possession of a
5 vehicle which is owned or operated by a law enforcement
6 agency to receive, possess, conceal, sell, or dispose of
7 or transfer such vehicle knowing it is the property of a
8 law enforcement agency and knowing it to be stolen or
9 converted;

10 (7) a person:

11 (A) who is the driver or operator of a vehicle
12 and is not entitled to the possession of that
13 vehicle and who knows the vehicle is stolen or
14 converted, or

15 (B) who is the driver or operator of a vehicle
16 being used to transport or haul a vehicle or
17 essential part of a vehicle and is not entitled to
18 the possession of that vehicle or essential part
19 being transported or hauled and who knows the
20 transported or hauled vehicle or essential part is
21 stolen or converted,

22 who has been given a signal by a peace officer directing
23 him to bring the vehicle to a stop, to willfully fail or
24 refuse to obey such direction, increase his speed,
25 extinguish his lights or otherwise flee or attempt to
26 elude the officer. The signal given by the peace officer
27 may be by hand, voice, siren, or red or blue light. The
28 officer giving the signal, if driving a vehicle, shall
29 display the vehicle's illuminated, oscillating, rotating
30 or flashing red or blue lights, which when used in
31 conjunction with an audible horn or siren would indicate
32 that the vehicle is an official police vehicle. Such
33 requirement shall not preclude the use of amber or white
34 oscillating, rotating or flashing lights in conjunction

1 with red or blue oscillating, rotating or flashing lights
2 as required in Section 12-215 of this Code; or

3 (8) a person, at the same time or within a one year
4 period, to make a false report of the theft or conversion
5 of 3 or more vehicles to any police officer or police
6 officers of this State.

7 (a-1) A person engaged in the repair or servicing of
8 vehicles does not violate this Chapter by knowingly
9 possessing a manufacturer's identification number plate for
10 the purpose of reaffixing it on the same damaged vehicle from
11 which it was originally taken, if the person reaffixes or
12 intends to reaffix the original manufacturer's identification
13 number plate in place of the identification number plate
14 affixed on a new dashboard that has been or will be installed
15 in the vehicle. The person must notify the Secretary of State
16 each time the original manufacturer's identification number
17 plate is reaffixed on a vehicle. The person must keep a
18 record indicating that the identification number plate
19 affixed on the new dashboard has been removed and has been
20 replaced by the manufacturer's identification number plate
21 originally affixed on the vehicle. The person also must keep
22 a record regarding the status and location of the
23 identification number plate removed from the replacement
24 dashboard. The Secretary shall adopt rules for implementing
25 this subsection (a-1).

26 (b) The inference contained in paragraph (1) of
27 subsection (a) of Section 4-103 of this Code shall apply to
28 subsection (a) of this Section.

29 (c) A person convicted of violating this Section shall
30 be guilty of a Class 1 felony.

31 (d) The offenses set forth in subsection (a) of this
32 Section shall not include the offenses set forth in Section
33 4-103 of this Code.

34 (Source: P.A. 86-1209.)

1 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)
2 Sec. 4-107. Stolen, converted, recovered and unclaimed
3 vehicles.

4 (a) Every Sheriff, Superintendent of police, Chief of
5 police or other police officer in command of any Police
6 department in any City, Village or Town of the State, shall,
7 by the fastest means of communications available to his law
8 enforcement agency, immediately report to the State Police,
9 in Springfield, Illinois, the theft or recovery of any stolen
10 or converted vehicle within his district or jurisdiction.
11 The report shall give the date of theft, description of the
12 vehicle including color, year of manufacture, manufacturer's
13 trade name, manufacturer's series name, body style, vehicle
14 identification number and license registration number,
15 including the state in which the license was issued and the
16 year of issuance, together with the name, residence address,
17 business address, and telephone number of the owner. The
18 report shall be routed by the originating law enforcement
19 agency through the State Police District in which such agency
20 is located.

21 (b) A registered owner or a lienholder may report the
22 theft by conversion of a vehicle, to the State Police, or any
23 other police department or Sheriff's office. Such report
24 will be accepted as a report of theft and processed only if a
25 formal complaint is on file and a warrant issued.

26 (c) An operator of a place of business for garaging,
27 repairing, parking or storing vehicles for the public, in
28 which a vehicle remains unclaimed, after being left for the
29 purpose of garaging, repairing, parking or storage, for a
30 period of 15 days, shall, within 5 days after the expiration
31 of that period, report the vehicle as unclaimed to the
32 municipal police when the vehicle is within the corporate
33 limits of any City, Village or incorporated Town, or the
34 County Sheriff, or State Police when the vehicle is outside

1 the corporate limits of a City, Village or incorporated Town.
2 This Section does not apply to any vehicle:

3 (1) removed to a place of storage by a law
4 enforcement agency having jurisdiction, in accordance
5 with Sections 4-201 and 4-203 of this Act; or

6 (2) left under a garaging, repairing, parking, or
7 storage order signed by the owner, lessor, or other
8 legally entitled person.

9 Failure to comply with this Section will result in the
10 forfeiture of storage fees for that vehicle involved.

11 (d) The State Police shall keep a complete record of all
12 reports filed under this Section of the Act. Upon receipt of
13 such report, a careful search shall be made of the records
14 of the office of the State Police, and where it is found that
15 a vehicle reported recovered was stolen in a County, City,
16 Village or Town other than the County, City, Village or Town
17 in which it is recovered, the State Police shall immediately
18 notify the Sheriff, Superintendent of police, Chief of
19 police, or other police officer in command of the Sheriff's
20 office or Police department of the County, City, Village or
21 Town in which the vehicle was originally reported stolen,
22 giving complete data as to the time and place of recovery.

23 (e) Notification of the theft or conversion of a vehicle
24 will be furnished to the Secretary of State by the State
25 Police. The Secretary of State shall place the proper
26 information in the license registration and title
27 registration files to indicate the theft or conversion of a
28 motor vehicle or other vehicle. Notification of the recovery
29 of a vehicle previously reported as a theft or a conversion
30 will be furnished to the Secretary of State by the State
31 Police. The Secretary of State shall remove the proper
32 information from the license registration and title
33 registration files that has previously indicated the theft or
34 conversion of a vehicle. The Secretary of State shall suspend

1 the registration of a vehicle upon receipt of a report from
2 the State Police that such vehicle was stolen or converted.

3 (f) When the Secretary of State receives an application
4 for a certificate of title or an application for registration
5 of a vehicle and it is determined from the records of the
6 office of the Secretary of State that such vehicle has been
7 reported stolen or converted, the Secretary of State shall
8 immediately notify the State Police and shall give the State
9 Police the name and address of the person or firm titling or
10 registering the vehicle, together with all other information
11 contained in the application submitted by such person or
12 firm.

13 (g) During the usual course of business the manufacturer
14 of any vehicle shall place an original manufacturer's vehicle
15 identification number on all such vehicles manufactured and
16 on any part of such vehicles requiring an identification
17 number.

18 (h) Except provided in subsection (h-1), if a
19 manufacturer's vehicle identification number is missing or
20 has been removed, changed or mutilated on any vehicle, or any
21 part of such vehicle requiring an identification number, the
22 State Police shall restore, restamp or reaffix the vehicle
23 identification number plate, or affix a new plate bearing the
24 original manufacturer's vehicle identification number on each
25 such vehicle and on all necessary parts of the vehicles. A
26 vehicle identification number so affixed, restored,
27 restamped, reaffixed or replaced is not falsified, altered or
28 forged within the meaning of this Act.

29 (h-1) A person engaged in the repair or servicing of
30 vehicles may reaffix a manufacturer's identification number
31 plate on the same damaged vehicle from which it was
32 originally removed, if the person reaffixes the original
33 manufacturer's identification number plate in place of the
34 identification number plate affixed on a new dashboard that

1 has been installed in the vehicle. The person must notify
2 the Secretary of State each time the original manufacturer's
3 identification number plate is reaffixed on a vehicle. The
4 person must keep a record indicating that the identification
5 number plate affixed on the new dashboard has been removed
6 and has been replaced by the manufacturer's identification
7 number plate originally affixed on the vehicle. The person
8 also must keep a record regarding the status and location of
9 the identification number plate removed from the replacement
10 dashboard. The Secretary shall adopt rules for implementing
11 this subsection (h-1).

12 (i) If a vehicle or part of any vehicle is found to have
13 the manufacturer's identification number removed, altered,
14 defaced or destroyed, the vehicle or part shall be seized by
15 any law enforcement agency having jurisdiction and held for
16 the purpose of identification. In the event that the
17 manufacturer's identification number of a vehicle or part
18 cannot be identified, the vehicle or part shall be considered
19 contraband, and no right of property shall exist in any
20 person owning, leasing or possessing such property, unless
21 the person owning, leasing or possessing the vehicle or part
22 acquired such without knowledge that the manufacturer's
23 vehicle identification number has been removed, altered,
24 defaced, falsified or destroyed.

25 Either the seizing law enforcement agency or the State's
26 Attorney of the county where the seizure occurred may make an
27 application for an order of forfeiture to the circuit court
28 in the county of seizure. The application for forfeiture
29 shall be independent from any prosecution arising out of the
30 seizure and is not subject to any final determination of such
31 prosecution. The circuit court shall issue an order
32 forfeiting the property to the seizing law enforcement agency
33 if the court finds that the property did not at the time of
34 seizure possess a valid manufacturer's identification number

1 and that the original manufacturer's identification number
2 cannot be ascertained. The seizing law enforcement agency
3 may:

4 (1) retain the forfeited property for official use;

5 or

6 (2) sell the forfeited property and distribute the
7 proceeds in accordance with Section 4-211 of this Code,
8 or dispose of the forfeited property in such manner as
9 the law enforcement agency deems appropriate.

10 (i-1) If a motorcycle is seized under subsection (i),
11 the motorcycle must be returned within 45 days of the date of
12 seizure to the person from whom it was seized, unless (i)
13 criminal charges are pending against that person or (ii) an
14 application for an order of forfeiture has been submitted to
15 the circuit in the county of seizure or (iii) the circuit
16 court in the county of seizure has received from the seizing
17 law enforcement agency and has granted a petition to extend,
18 for a single 30 day period, the 45 days allowed for return of
19 the motorcycle. Except as provided in subsection (i-2), a
20 motorcycle returned to the person from whom it was seized
21 must be returned in essentially the same condition it was in
22 at the time of seizure.

23 (i-2) If any part or parts of a motorcycle seized under
24 subsection (i) are found to be stolen and are removed, the
25 seizing law enforcement agency is not required to replace the
26 part or parts before returning the motorcycle to the person
27 from whom it was seized.

28 (j) The State Police shall notify the Secretary of State
29 each time a manufacturer's vehicle identification number is
30 affixed, reaffixed, restored or restamped on any vehicle.
31 The Secretary of State shall make the necessary changes or
32 corrections in his records, after the proper applications and
33 fees have been submitted, if applicable.

34 (k) Any vessel, vehicle or aircraft used with knowledge

1 and consent of the owner in the commission of, or in the
2 attempt to commit as defined in Section 8-4 of the Criminal
3 Code of 1961, an offense prohibited by Section 4-103 of this
4 Chapter, including transporting of a stolen vehicle or stolen
5 vehicle parts, shall be seized by any law enforcement agency.
6 The seizing law enforcement agency may:

7 (1) return the vehicle to its owner if such vehicle
8 is stolen; or

9 (2) confiscate the vehicle and retain it for any
10 purpose which the law enforcement agency deems
11 appropriate; or

12 (3) sell the vehicle at a public sale or dispose of
13 the vehicle in such other manner as the law enforcement
14 agency deems appropriate.

15 If the vehicle is sold at public sale, the proceeds of
16 the sale shall be paid to the law enforcement agency.

17 The law enforcement agency shall not retain, sell or
18 dispose of a vehicle under paragraphs (2) or (3) of this
19 subsection (k) except upon an order of forfeiture issued by
20 the circuit court. The circuit court may issue such order of
21 forfeiture upon application of the law enforcement agency or
22 State's Attorney of the county where the law enforcement
23 agency has jurisdiction, or in the case of the Department of
24 State Police or the Secretary of State, upon application of
25 the Attorney General.

26 The court shall issue the order if the owner of the
27 vehicle has been convicted of transporting stolen vehicles or
28 stolen vehicle parts and the evidence establishes that the
29 owner's vehicle has been used in the commission of such
30 offense.

31 The provisions of subsection (k) of this Section shall
32 not apply to any vessel, vehicle or aircraft, which has been
33 leased, rented or loaned by its owner, if the owner did not
34 have knowledge of and consent to the use of the vessel,

1 vehicle or aircraft in the commission of, or in an attempt to
2 commit, an offense prohibited by Section 4-103 of this
3 Chapter.

4 (Source: P.A. 92-443, eff. 1-1-02.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.